REMARKS

In the Decision on Appeal dated 09/01/2010, the Board of Appeals has affirmed the Examiner's rejection of Claims 1-3, 7-11, 15-19, 23-25 and 28-30 under 35 U.S.C. 103(a) as being unpatentable over Reinert (U.S. Patent No. 6,347,375), in view of Yadav (U.S. Publication No. 2003/0149887), and in further view of Stallings ("Network Security Essentials, Applications and Standards"). Further, in the Decision on Appeal dated 09/01/2010, the Board of Appeals has affirmed the Examiner's rejection of Claims 26-27 under 35 U.S.C. 103(a) as being unpatentable over Reinert, in view of Yadav, in view of Stallings, and in further view of Khatri (U.S. Patent No. 6,721,883). Additionally, in the Decision on Appeal dated 09/01/2010, the Board of Appeals has affirmed the Examiner's rejection of Claim 31 under 35 U.S.C. 103(a) as being unpatentable over Reinert, in view of Yadav, in view of Stallings, and in further view of McCoskey (U.S. Publication No. 2003/0028889).

In response to the affirmation of the rejections under 35 U.S.C. 103(a), applicant has amended the independent claims to further distinguish applicant's claim language from the relevant references relied upon by the Examiner. Specifically, applicant has amended the independent claims to further distinguish applicant's claim language from the relevant references relied upon by the Examiner, as follows:

> "wherein *security management code is automatically loaded and run from said removable physical media, and said security management code triggers said secure network connection using* said network support code to establish said secure network connection *from said computer* to said remote computer *via said firewall computer*" (see this or similar, but not necessarily identical language in the independent claims – emphasis added).

Applicant respectfully asserts that Reinert simply teaches that "[t]he local user may execute a virus scanning program and if one or more viruses are detected on the local computer 42, the user may connect to the remote computer 54," where "a

communications program is <u>invoked by the local user</u> to establish a communications connection between the local computer 42 and the remote computer 54" (Col. 7, line 62-Col. 8, line 1 – emphasis added).

However, simply teaching that a <u>user executes</u> a virus scanning program, that the <u>user connects</u> to a remote computer, and that the <u>user invokes a communications program</u> to establish a connection between a local computer and the remote computer, as in Reinert, simply fails to teach applicant's claimed technique "wherein <u>security management code</u> is <u>automatically loaded and run</u> <u>from said removable physical media</u>, and said security management code **<u>triggers</u>** <u>said secure network connection</u> <u>using</u> said network support code to establish said secure network connection from said computer to said remote computer via said firewall computer" (emphasis added), as claimed by applicant.

Clearly, teaching that a <u>user invokes a communications program</u> to establish a connection between a local computer and the remote computer, as in Reinert, simply fails to even suggest, and even *teaches away* from applicant's claim that "<u>said security management code</u> [that is <u>automatically loaded and run</u> from said removable physical media] **<u>triggers</u>** <u>said secure network connection</u> <u>using</u> said network support code" (emphasis added), as specifically claimed by applicant.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the relevant references, as relied upon by the Examiner, fail to teach or suggest <u>all</u> of the claim limitations, as noted above. Thus, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Still yet, applicant brings to the Examiner's attention the subject matter of new Claim 32 below, which is added for full consideration:

> "wherein said security management code uses said triggered secure network connection to download said one or more malware detection files from said remote computer" (see Claim 32).

Again, a notice of allowance or a proper prior art showing of <u>all</u> of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAI1P492).

Respectfully submitted,
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